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December 11, 2020

VIA ELECTRONIC FILING

The Honorable Sanket J. Bulsara
Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Elliott v. Donegan, et al.*,
Civil Case No.: 1:18-cv-05680-LDH-SJB**

Dear Magistrate Judge Bulsara,

We represent Plaintiff Stephen Elliott and submit this letter on behalf of Mr. Elliott and Defendant Moira Donegan to respectfully request an extension of the CDA immunity discovery deadline until December 25, 2020. On November 23, 2020, the Court extended the deadline to conclude CDA immunity discovery to December 18, 2020. On December 8, 2020, the Court entered an order approving a protective order to govern a subpoena that Mr. Elliott has since served on *The New Republic*. Mr. Elliott anticipates a response to that subpoena by December 18, 2020.

Mr. Elliott and Ms. Donegan previously agreed to conduct Ms. Donegan's deposition by December 16, 2020. Due to unforeseen delays, including sickness of counsel and emergencies outside of counsels' control, the parties respectfully request the opportunity to re-schedule Ms. Donegan's deposition for December 21, 2020. Further, counsel for the parties have met and conferred regarding the scope of questioning for Ms. Donegan's deposition. We have arrived at differences requiring judicial resolution in advance of the deposition. Accordingly, Mr. Elliott and Ms. Donegan respectfully request a conference at a time convenient for the Court on Wednesday, Thursday, or Friday of next week (December 16, 17, and 18, respectively). The parties further request the opportunity to submit correspondence to Your Honor, no later than Tuesday December 15, 2020 at 12:00 p.m. crystalizing our differences and respective positions.

The parties submit that this proposed schedule would be the most efficient use of the Court's resources, avoid prejudice to the parties, and conclude significant outstanding disputes pertaining to CDA immunity discovery. The status conference currently scheduled for January 5,



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2021 at 5:30 p.m., would remain unchanged. Ms. Donegan and Mr. Elliott jointly and respectfully request an extension of the CDA immunity discovery deadline until December 25, 2020.¹

Should Your Honor wish to discuss the proposed extension, the parties remain available to appear for a status conference at the Court's convenience.

The parties thank Your Honor for the Court's courtesy and consideration.

Very truly yours,

By: /s/ N.E. Lewis
Nicholas Lewis, Esq.
Nesenoff & Miltenberg LLP

¹ In the alternative, the parties respectfully request a status conference at the convenience of the Court and an extension of the discovery deadline until seven days later than that date, so that the parties may conduct the deposition of Ms. Donegan after the Court has had an opportunity to address their dispute over the proper scope of questioning related to CDA immunity.